

THE HONOURABLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.3048 OF 2019

ORDER

The prayer of the petitioner company in this case reads as under:

‘Therefore, it is prayed that this Hon’ble Court be pleased to issue a Writ in the nature of Mandamus or any other appropriate Writ, order(s) or direction(s), declaring the refusal order of Respondent No.3, dated 22nd January 2019 vide Lr. No. 65/2019, as illegal, arbitrary and contrary to principles of natural justice and further direct the Respondent No.3 to register the Sale Certificate dated 22nd October, 2018 at the earliest to avoid further loss and injury to this Petitioner and Defendant No.4, and pass such other order or orders as this Hon’ble Court deems fit and proper in the circumstances of the case.’

Smt. Kalpana Ekbote, learned counsel for the petitioner, the learned Assistant Government Pleader for Revenue appearing for respondents 1 to 3, Sri Praveen Kumar, learned counsel for respondent 4 company, and Sri Akshat Sanghi, learned counsel representing Sri Sharad Sanghi, learned counsel for respondent 5, concede that the matter is squarely covered by the Division Bench Judgment of the High Court of Judicature for the State of Telangana and the State of Andhra Pradesh at Hyderabad in CITY UNION BANK LTD., KARIMNAGAR BRANCH V/ s. SUB-REGISTRAR, PEDDAPALLI, KARIMNAGAR DISTRICT¹, wherein it was held as under:

‘13. In similar circumstances, the Kerala High Court in *The South Indian Bank Ltd. v. The Sub-Registrar*, WP (C) No.3875 of 2017 dated 24.11.2016, considered the question whether a sale certificate is liable to be registered or not in view of the order of

¹ 2018 (6) ALD 16 (DB)

attachment before judgment passed by the civil Court and held that the secured creditor is entitled to proceed with the registration and the Registration Authority cannot stall the process of registration under the garb of an order of attachment passed by the civil Court.'

The writ petition is accordingly allowed setting aside the refusal order dated 22.01.2019 of the Sub-Registrar, Uppal SRO, Hyderabad, and directing the said authority to register the Sale Certificate dated 22.10.2018 in accordance with the Registration Act, 1908.

Pending miscellaneous petitions, if any, shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

14th JUNE, 2019

Note: Issue C.C. by 17.06.2019.
B/o Svv

